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August 31, 2005

Hon. Kent A. Jordan
U.S. District Judge
U.S. District Court, District of Delaware
844 King Street
Wilmington, DE 19801

Re: Davis v. Poffenbarger et al.
C.A. No. 05-288 (KAJ)

Dear Judge Jordan:

I am local counsel to Star Enterprises, Inc., a third-party defendant in the above styled litigation. Counsel for all parties have received your Honor's letter dated August 24, 2005 and the accompanying form of scheduling order. I write, with consent of all counsel, respectfully to propose that the scheduling of discovery in this matter be deferred until two pending motions have been decided by the Court.

Currently pending before the Court are the following two motions:

- Star Enterprise, Inc.'s Motion to Dismiss the Third-Party Complaint of Christine Poffenbarger on the ground that the third-party plaintiff has failed to avail herself of the administrative remedies under the Star Enterprise Retirement Plan (Ms. Poffenbarger's counsel requested oral argument on this motion in a letter to the Court dated June 29, 2005); and
- Defendant Raymond James & Associates, Inc.'s Motion for Interpleader and Dismissal (which is not opposed).

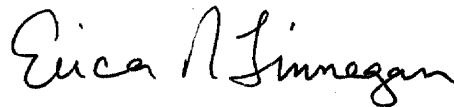
The Court's decision on each of these motions will determine the contours, substance, and parties involved in discovery. For example, if Ms. Poffenbarger is directed to pursue the employee benefit plan's administrative remedies, the resulting administrative decision would be the focus of any future discovery. Presently, there is no administrative action to discover. Similarly, Raymond James & Associates has requested interpleader of the funds held by it. If that request is granted, Raymond James would be dismissed as a party.

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In light of the significance of the pending motions, Star Enterprise respectfully requests that the scheduling of discovery be deferred pending the Court's decision thereon. As noted above, we have consulted with each of the parties' counsel, and all are in agreement with Star Enterprise's proposal.

I thank the Court for its time and consideration in this matter.

Respectfully,

A handwritten signature in black ink, appearing to read "Erica N. Finnegan". The signature is fluid and cursive, with the first name "Erica" and last name "Finnegan" clearly distinguishable.

Erica Niezgoda Finnegan (#3986)

cc: Clerk of the Court
Peter M. Sweeney, Esq.
David J. Ferry, Jr., Esq.
Kevin J. Connors, Esq.
Frederick A. Brodie, Esq.